IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO.1808 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/12/2001 in W.P.No.22321 OF 2001 on the file of the High Court.)

Between:

A.K. Ramesh, S/o. Late A. Kannabiran,
R/o. 1-11-252/49, Motilalnagar, Begumpet, Hyderabad.

..... APPELLANT

AND

1 T.S. Subba Rayulu, S/o. Sree Ramulu,
R/o. R.K. Puram, Ranga Reddy District.
2 T. Ravinder, S/o. Venugopala Rao,
R/o. Saroornagar, Ranga Reddy District.
3 T. Ashok, S/o. shivappa,
R/o. Dilsukhanagar, Hyderabad.
4 K. Yadagiri, S/o. Janaiah,
R/o. Dilsukhanagar, Hyderabad.
5 The Circle Inspector of Police Station House Officer,
Chilakalaguda Police Station, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant : Sri P.VENUGOPAL
Counsel for the Respondents No.1 to 4: MR.C.RAMACHANDRA RAJU
Counsel for the Respondent No.5 : Govt. Pleader for Home

The Court made the following :

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

On 25th November, 2004, on the request of learned counsel for respondents – writ petitioners, time to file affidavit was granted and specifically it was directed that reasons will be disclosed as to why the respondents – writ petitioners did not disclose about the earlier writ petition and other civil proceedings between the parties with respect to property in question. Affidavit was not filed even though three adjournments were obtained thereafter. On the last date also i.e. 23-12-2004, nobody was present on behalf of respondents – writ petitioners, but time was allowed to file affidavit. Today, an affidavit has been filed, which does not reveal any reason as to why the earlier proceedings were not disclosed.

The writ petition, in which impugned order was passed by the learned single Judge on 21st December, 2001, was filed on 22nd October, 2001 stating that writ petitioners had not filed any writ petition either before this Court or before any other Court for the relief claimed in the petition.

Relief sought for in the writ petition was for police protection of the property to the extent of 961-11 square yards in T.S.No.24, Ward No.143, Warasiguda, Secunderabad, bearing Municipal No.12-11-520/A. Appellant specifically alleged in the appeal about filing of O.S.No.1136 of 1999 before XI Junior Civil Judge, City Civil Court, Secunderabad, by the writ petitioners, which was dismissed on 24-08-2001 and O.S.No.411 of 1999 filed by father of the appellant before III Senior Civil Judge, City Civil Court, Secunderabad, which was decreed on 28-09-2000 and also filing of Writ Petition No.4705 of 2000 by one of the writ petitioners. Non-disclosure of these proceedings itself is a ground to dismiss the writ petition.

Accordingly, the impugned order is set aside and writ petition filed by respondents 1

to 4 is dismissed and writ appeal stands allowed.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J

30-12-2004

bsc

.....REGISTRAR

To

1. The Circle Inspector of Police Station House Officer,
   Chilakalaguda Police Station, Secunderabad.

2. 2 CCs to Govt. Pleader for Home, High Court of A.P. buildings,

Hyderabad (OUT)

3. CD copies

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